

Rights!

The Newspaper of NCCL

The National Council for Civil Liberties

Incorporating Civil Liberty ISSN 0308 8227

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Civil liberty and public order in Birmingham

Ivan Geffen, NCCL Executive member, gives a personal account

Birmingham City Council's long-established policy of not letting public buildings to fascist and racist groups was abandoned, when the Digbeth Civic Hall was let to the National Front for a rally of its youth section, on 18 February. Many Trade Union and other bodies appealed for the letting to be cancelled. By the 13th it was clear that they had failed. The Trades Council and a local ad hoc Committee against Racism called for a demonstration against the rally. The West Midlands Police declared that 'the Digbeth suburb' would be sealed off and the local papers published maps of the area — well within a mile of the City centre — from which traffic was to be excluded. The response to this was a widely publicised appeal to people to assemble in the Bull Ring (3 minutes walk from the Digbeth Hall) and then to march round the perimeter of the sealed area.

The usual three-party scenario was an obvious possibility — with the NF perhaps off-stage in the role of aggrieved innocents, and their opponents fulminating noisily and ineffectively and coming inevitably into conflict with the police.

Advertisement

STATE RESEARCH

'State Research' is an independent group of investigators collecting and publishing information from public sources on developments in state policy, particularly in the fields of policing, internal security and espionage. It also examines the links between the agencies in these fields and business, the Right, and paramilitary organisations.

It aims to provide the information necessary for an evaluation of police, military and intelligence policy in democratic societies. It produces a regular bulletin (1 year's subscription—10 issues—costs £3 for individuals, £6 for organisations), occasional briefings and an annual review (forthcoming, Autumn 1978).

Further details and order for bulletins from **State Research, 9 Poland Street, London W1 (01-734 5831).**

We had two days to plan our own response. Many of us were especially anxious to combat the idea that opposition to racism and the NF is the prerogative of the extreme left. Some — including our chairman — had a specific Christian or other commitment to take part in the anti-racist march, and were therefore unable to be observers.

Despite all problems, 18 of us agreed to act as observers. We informed the Chief Constable that we would be in the streets, and were asked to let him have a copy of our report when it was published.

During the run-up to the 18th the local press was full of warnings of trouble to come. People were urged to stay away from the city centre. Shopkeepers closed and boarded their shops for the day. On the 17th some tried, and failed, to get a High Court injunction to force the City Council to cancel the letting of the hall. A leprosy flag day was cancelled in the City centre — the symbol on the flag was a black man, and the police could not assure the safety of the collectors.

Soon after midday on the Saturday, each with our NCCL observer's briefing, we were on duty. It was an odd experience — especially in Digbeth — not because there was virtually no one there apart from the journalists, ourselves, the massed ranks of policemen around the hall, and the occasional NF groups entering it — but because of the ease with which anyone could get there. Vehicles were being diverted, but there was no sign that the police intended seriously to prevent anyone on foot from getting to within a few yards of the hall. As events turned out, the police strategy of surrounding the hall with impenetrable ranks of non-mobile officers, while leaving all the access roads wide open, resulted in something like a pitched battle going on for over ten minutes, with several policemen injured. If the intention had been to provide a field day for the 'they're all extremists, ban the lot' brigade, it could not have been more effectively implemented.

The reality was that 1 or 2 percent of all those who were either on or beside the march, used the occasion to demonstrate against the police.

By 6.30 that evening our observer team had met and had assembled a detailed picture of the afternoon's events. The *Birmingham Mail* had already given its readers the first of many well-illustrated reports, presenting a picture of left wing mob violence. At 7.30 the BBC-TV news gave a similarly lurid and misleading picture.

I telephoned its Birmingham studios immediately, to point out that most of the marchers had been peaceful and orderly. I was told that there were no reporters left in the news-room, and that if I wanted to contact anyone, I must ring London. I did so, to be told that they were awaiting further reports from Birmingham for the later news broadcasts! I could not contact anyone with the power to receive and act on our information.

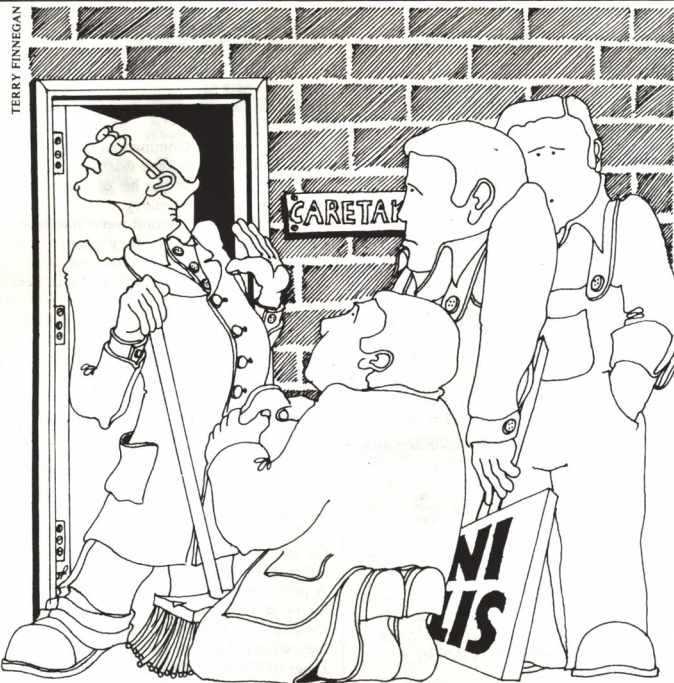
The ITV news at 10 pm was fair, as far as it went, but its pictures still concentrated on the brief episodes of violence. Given the police strategy, it had been inevitable that most of the violence would take place close to the Digbeth Civic Hall, which was of course where the camera crews were concentrated.

Overwhelmingly, the picture presented on the following days by the local and national press was similar to that of the *Birmingham Mail*. The NCCL report, drafted by February 20th, was adopted unanimously — with one small amendment — by the Group EC on the 27th, and a copy was sent immediately to the Chief Constable. Our main conclusions were:—

- That the police strategy created the conditions for violence, by allowing people to get close to the hall;
- Those who had used violence were mostly apolitical, but the general problem of youth hooliganism was compounded by the alienation of young blacks from the police;
- The relationship of the police with the marchers was helpful and relaxed;
- Any restriction on the freedom of speech of the NF is undesirable, but all the alternatives are worse.

On March 3rd our report reached the Press. The same evening the Chief Constable attacked it as a 'travesty' — but despite an immediate invitation to do so, he has not identified a single significant error of fact in our report. He also claimed that it was based on a false premise, in that the police had no proper notice of the intended anti-NF march. This puzzled us, in view of all that had been published during the week leading to February 18th. As I write, arrangements are still being made for some of us to meet him.

The official view appeared in *Police Review* on March 17th. We are now told that the police chiefs intended all along to permit a hostile demonstration outside the hall — all they were doing was to keep the peace by preventing uninvited people from getting in. If this is correct, even more searching questions need to be asked, than were posed by our original report.



Help us keep tabs on the Trespass Law

Introduced in December 1977, the Criminal Law Act, more commonly known as the 'criminal trespass law', made new criminal offences in an area previously part of the civil law. Its provisions could affect squatters, homeless people, trades unionists or students in occupation. NCCL is working with other groups to keep the fullest possible information on how the law is working in practice.

These are some of the new powers:

—*Violence for securing entry.* It is now an offence to use or threaten violence to a person or property, for the purpose of securing entry into premises against the wishes of someone present on the property at the time (maximum: six months imprisonment and/or £1,000 fine). While this may act as a protection for squatters against forceful eviction, the provision has serious implications for trade unionists or students attempting to occupy premises where a security guard or caretaker is in the building.

—*Being on premises as a trespasser and having with you any offensive weapon.* An 'offensive weapon' can include such objects as coins, if there is intention to cause injury with them, as well as articles

adapted to be used as weapons or intended for such use. The definition could clearly include household objects and tools found at most workplaces. (Maximum: three months and/or fine of £1,000).

—*Obstructing Officers of the Court.* It is an offence to resist or intentionally obstruct a bailiff executing a possession order, and bailiffs and sheriffs are given power to arrest people obstructing them. Peaceful resistance, such as a sitdown, would make the individuals guilty of an offence, as would refusing entry and building blockades. (Maximum: 6 months and/or £1,000 fine). It is also an offence to refuse to leave when asked to do so by or on behalf of a displaced residential occupier 'or' protected intending occupier' (maximum: 6 months imprisonment and/or fine of £1,000). These offences have complex provisions, affecting squatters and possibly licencees in flats or houses. The danger is that the provisions may not be understood by landlord, occupier or police and the result will be confusion and abuse of the law. It is important to make clear that squatting in itself is not made illegal by these provisions. Squatters and former licencees may, however, become liable to

prosecution for matters which were previously dealt with in the civil courts.

—*Trespassing on Embassy premises*

This will mainly apply to protests and demonstrations. Where prosecutions involve people from abroad, they may be recommended for deportation on conviction, with in some cases serious danger for the individuals. (Maximum: 6 months and/or £1,000 fine).

—*Police Powers*

A uniformed police officer can enter the building concerned, whether workplace, college building, house or flat, in order to arrest anyone suspected of committing an offence under the Act. Police can make arrests without a warrant, and have the additional power to enter any other building to search for and arrest anyone who they believe has committed an offence.

—*Conspiracy*

The Criminal Law Act revises the law of conspiracy, and it is possible for a charge of conspiring to commit any offence under the Act to be brought, together with charges of the original offence. All the offences listed above are dealt with in Magistrates Courts. If there is a charge of conspiracy the case will be heard in the Crown Court. The penalty for conspiracy is linked to the penalty for the offence you have conspired to commit. If the latter carries a prison sentence, then conspiracy will carry the same maximum sentence. If the offence itself carries a fine of any amount the maximum penalty for conspiracy will be an unlimited fine.

Threats

NCCL opposed these provisions when they passed through Parliament, and is concerned both at the way in which the law will be used, its possible misuse, and cases where threats are made to use the legislation. There is already evidence of the growing use of threats to use the law by officers of local authorities. In at least one trade union dispute it has been reported that an occupation was abandoned after the workers had been told by police that they could be arrested simply because they were occupying the premises (still under investigation). It is likely that the law will be used increasingly in evictions from residential premises, in trade union disputes and student occupations, and NCCL is therefore, with other organisations, monitoring the use of the law.

Monitoring

We are therefore asking all readers, members of NCCL, and our affiliated organisations to help us monitor these changes. We need information on:

- Any charges brought under the new law and the result of cases;
- Any use of the provisions relating to residential premises;
- Any threats to use the laws;
- Any eviction secured under the new law or under cover of it;

- Any use of the law in industrial disputes or other occupations.

What you can do

- Contact Hilary Kitchin at the NCCL for further information;
- Use the NCCL monitoring questionnaire to collect detailed case information;
- Keep NCCL informed by letter or telephone (ask for Hilary Kitchin);
- (For affiliates, in particular) Circulate information within your organisation about the law with a request to be kept informed of any developments.

For further information contact Hilary Kitchin, NCCL, 186 Kings Cross Road, London WC1 (Telephone 01 278 4575).

For further reading, we recommend 'Workshop Occupations and the Law', available from CACTL, 35 Wellington Street, London WC2.

Till consultants us do part

As an institution, marriage may be more frequently questioned than in earlier times. But there can be no doubt that the freedom to choose marriage with the partner of one's choice is still a hard-won and significant freedom. Many of the tragic (and sometimes sentimental) tales of literature concern True Love frustrated by the schemes of mercenary parents and the unbridgeable chasms of the accidents of birth.

There are still, of course, reasons in law which prevent absolute freedom to marry. You may not marry if one partner is under sixteen. You cannot marry certain close

relations. And, as Commander Crookes and Mrs Hammond have discovered recently, persons held to be 'of unsound mind' are not free to marry.

Crookes and Hammond were 'informal' mental patients. That is, they were voluntary, not compulsory patients. Having decided to marry, they found their ex-consultant was able to stop the ceremony by obtaining a 'caveat'. This is the procedure under the Marriage Act whereby any person may sign a declaration, stating the grounds of objection, with the object of stopping a marriage. In cases of controversy, the subject is then adjudicated by the Registrar-General. In the Crookes and Hammond case, a counter-statement was sent to the Registrar-General which persuaded him to over-rule the caveat.

The consultant's grounds for opposing the marriage were that they were unfit, as informal patients, to take such a decision. A person who is 'of unsound mind' cannot marry at all. So the crucial task for Crookes and Hammond was to show that they were not in this category. *Halsbury's Laws of England*, having observed that 'mere dullness of intellect is not of itself sufficient to incapacitate a person from marrying', explains that the crucial test is 'whether, at the time of the marriage, he or she was capable of understanding the nature of the (marriage) contract'. It was therefore only because there were other medical staff prepared to come forward to state that Crookes and Hammond did understand what they were doing that the Registrar-General was able to allow the marriage to proceed. In their absence, the

What's in a name

A new pamphlet, published by NCCL at the end of May, looks at the liberties which are taken with a woman's identity by the practices of employers, banks, the DHSS and countless others who try to persuade her that she has no right to keep her own surname after marriage.

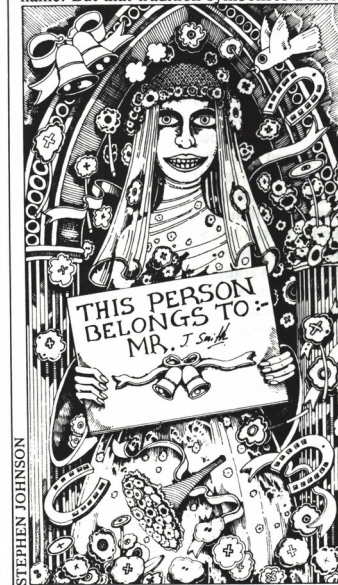
Contrary to popular (and institutional) belief, there is no law, rule or regulation of any kind which says a married woman must take her husband's name. If a woman wants to continue using her own name, she should do just that — no form-filling, no declarations, no special case required. It is nothing more than tradition behind the practice of a married woman changing her name. But that tradition symbolises a loss

of identity along with one's surname, and more and more women are now questioning the habit. After all, how many men could even envisage waking up one morning and calling themselves, signing themselves and being addressed by a completely new name?

Yet to judge by the letters received by NCCL's women's rights officer, women have been conned into this position for years, and face severe discrimination from all sides if they try to avoid it. One woman was told by her employer when she married: 'Change your surname and be known as Mrs.—or have the sack'. That was in 1975, the same year the Sex Discrimination Act was passed. Another woman who didn't change her name was refused money from her Building Society account, because the assistants behind the counter knew she had recently married and said that the name on her account no longer tallied with her new married name!

Then there's the hostility and general incomprehension from more conventional friends and members of the family: 'You should be proud to take your husband's name'; 'What's the point in getting married if you don't change your name?' or 'Doesn't your husband mind?' are amongst the most infuriating and blinkered comments women have written to NCCL to complain about.

Along with clarification of the legal position and plenty of examples of women's experiences, the pamphlet also tries to give some practical suggestions for coping with the reaction to what is still an unusual thing to do. Things look like changing, though. Many women have told NCCL that if only they'd known they hadn't been obliged to sacrifice their name on marriage, they would never have done so. Perhaps the information contained in the pamphlet will give women the knowledge and the confidence from now on to do as they choose.



objections of the medically qualified consultant would probably have been decisive.

In many ways, this is the crux of the problem. Unless you have got the knowledge of how to fight something like the consultant's caveat, and unless you have got sympathisers within the mental health system, your chances of successful opposition can be very small. And, of course, it isn't just the marriage contract which is at risk, but all kinds of other decisions about one's affairs. Denial of the right to take such decisions can often worsen a person's dependence upon treatment and institutional living.

Sylvia Scaffardi was in at the beginning of NCCL in 1934. She was the Council's first Assistant General Secretary. Now 76, she lives in Surrey, writing her autobiography which is bound up with the early, turbulent years of the fight for civil liberties. Norman Nichols interviewed her for Rights.

44 YEARS FOR NCCL

Brazil in 1902 was as likely a place as any for the daughter of a middle-class English clergyman to be born. Sylvia Scaffardi believes that genes are quite important and her Brazilian genes, she says, go a long way towards explaining her hatred of racism and fascism. Certainly in Brazil all those years ago there was a certain feeling of racial toleration. The slaves had been freed as recently as 1888. 'Abolition of slavery came very late to Brazil, but when it did come, everyone was very happy. They had a big holiday to celebrate it, the rich, the landowners, didn't seem to mind too much.'

She contrasts, sadly, the Brazil she remembers with the military dictatorship she reads about today. 'I remember my mother, who had no racial prejudice, and all the other children, black, brown and white all mixing together. I know I was young but everyone seemed so happy and now it's awful. It was the Americans you know. In Brazil, in Chile, everywhere'.

Boarding School

The sunshine of Brazil was abandoned in 1913 for school in England. Her memory of boarding school at Eastbourne is not an attractive one. The war was about to start and the girls at the school were soon to pick up quite distinct ideas about the enemy.

'We were taught to draw pictures of the Huns: ugly cruel men. We didn't know about the slaughter, but something was wrong. All the girls were very patriotic but I was different. I didn't know about politics but in my blood I was a rebel; I was automatically left-wing.'

Different she certainly was. Always a bookworm, she sat and won a scholarship to London University. Young women in 1920 were not generally looked upon as intellectual and the University authorities did little to encourage them. Royal Holloway College was housed way out in the Surrey countryside well away from the corrupting influences of the wicked city and the possible intrusion of male students. Her memories of it are sour ones: 'Four wasted years. The place was run by some woman who looked like Victoria. They would not leave you alone; it was just like boarding school. Chapel before breakfast was compulsory as were lectures. It was bloody boring, a complete waste of time'. She was threatened with expulsion for missing lectures, failed her first exams and was thoroughly glad to escape after four years of near misery.

Something missing

22 years of age, she found herself looking for a job. It slowly dawned on her that



Ronald Kidd

she 'knew absolutely nothing'. Her life had been lived at second-hand, fragmented pieces of knowledge picked up from books and totally unreal. She knew that 'marriage, religion, all the existing ideas were junk' but had little idea what to put in their place. How 'to get into life' was to dominate her thoughts for the next few years. This 'blindness' was reflected in her first escape route, the stage. Acting was certainly different but added nothing to her understanding of the world. She still felt that she knew nothing, that something was missing.

She discovered what that was in 1928. Ronald Kidd was a freelance journalist, with a scientific training. He had been discharged from the army for poor health. Exactly what constituted 'poor health' is not clear but Kidd had it, always had done. He had worked at the Ministry of Pensions but left for political reasons. Like his health his politics are rather vague. Clearly a man of the Left, he always avoided party attachment. Sylvia thinks that he was influenced by William Morris and Edward Carpenter, a 'libertarian' rather than a liberal.

Traditional

His marriage had been a failure but he formed an alliance with Sylvia which was to last until his premature death in 1942. Their years together read like a list of chapter headings for the NCCL history. Incitement to Disaffection, The Public Order Act, Special Powers Act (Northern Ireland). Their life together was literally a history of NCCL. Their first home was shared with NCCL, a partition separating the office from the bed. Formed in 1934, NCCL was effectively Ronald Kidd as General Secretary and Sylvia Crowther-Smith as Assistant General Secretary. They lived and worked in Soho at 3 Dansey Yard. Kidd was unhappy about 'Yard' thinking that people might



Sylvia Scaffardi in the early 1930s

associate it with Scotland Yard, nor was he happy with the view from his window over a public urinal. In traditional NCCL style he began to lobby the council and NCCL's first victory was secured. Dansey Yard became Dansey Place and the urinal was removed.

NCCL in the thirties appears to the cynic little more than a gathering of 'the great and good'. Certainly the Assistant General Secretary's name is to be found on none of the public declarations, her name on few of the publications. The notion, still popular, that who says something is as important as what they say, pervaded the early thinking of NCCL. The list of names on NCCL's manifestos reflect only a small proportion of those who actively helped in the campaigns, in most cases with a great deal more heart and muscle than those who were asked to lend their names. Sylvia is well aware of the problem as it presented itself then.

'The people who cared about civil liberties were mostly Oxbridge but over in the East End people were actually fighting for their liberties. NCCL was to become the link between the intellectuals and the working class radicals'. Kidd, in her opinion, was the ideal person to bridge the gap: 'he was classless, at home with anyone'.

Not only classless, but an early supporter of the women's movement. In the twenties he had taken up the case for women, going so far as to write a pamphlet on the subject. Unfortunately his views were a minority in the early days of NCCL. It wasn't that the progressive men who made up the majority of the leadership of the council were not one hundred per cent behind equality for women, rather that: 'I was just Ronald's girlfriend; someone had to do the typing and the duplicating and arrange the meetings. Who else but

me? It wasn't until Elizabeth Allen became General Secretary that I was even asked to speak at meetings. The young barristers were the worst; all for other people's civil liberties; they never thought that doing the donkey work was at all demeaning because, of course they never did it'.

Astonishing

Talking to Sylvia on a spring afternoon in a quiet Surrey house, looking out over Carshalton Wood, it is very difficult to recapture the intensity of those years. The hunger marches, baton charges from a hostile police force, goosestepping fascists terrorising the people of Stepney. The rapidity of events seems astonishing.

'Almost every day something new and menacing was taking place, a meeting broken up by the police, an awful decision in the courts, and in Europe the coming war. You cannot imagine at your age just how awful, terrible, the thirties were. In those days people went in dread of judges. They were next to God. The idea of NCCL challenging them, standing up and saying "this is an outrage, we are not going to stand for it" was quite revolutionary. Unless you lived then you won't understand how differently people think about the courts now. Satire and debunking. Not everybody but lots of people know that judges are stupid old men and that's partly because of what we did. We showed it was possible to take on the courts'.

The thirties were no doubt very terrible, but one feels as she talks, the surge of excitement that she must have felt at the birth of a movement. Even descriptions of NCCL offices are vivid. The size of the premises, which seemed to change every year, charted the growth in influence of the movement. From Dansey Place to Charing Cross Road with a flight of stone steps leading to three whole rooms and a 'large madam standing guard every night at the bottom of the stairs'. The prostitutes were left behind with the move to Morley House in Regent Street; central heating, lifts and only two minutes from the BBC.

Scathingly

The feel of the autobiography which she has written is of perpetual motion; people on the march, literally and symbolically, and nameless thousands keeping up the momentum. She writes and talks scathingly of the famous, like Kingsley Martin, Editor of the New Statesman, a man now considered to have been a prominent member of NCCL. 'He only acted when he could see which way the wind was blowing. Oh yes, he had sympathy with the unemployed and the anti-fascists but he would never do anything until after someone else, usually Ronald, had done the organising and taken the risks. Then he might write the editorial.'

More surprisingly, she is non-complimentary about the Grand Old Man of NCCL — D. N. Pritt. 'He talked about "the people" but he was never one of

them. He always expected people to do things for him. I will never forget moving a motion at an AGM. Pritt had to second it. The thought of Pritt seconding a motion by a woman was quite amazing. I felt really good that day'.

After Kidd, her greatest affection is reserved for the Geordie trade union solicitor, William Thompson. 'He held NCCL together; he was such a busy man but never missed a meeting of the General Purposes Committee. He knew everybody in the trade union movement and that helped us make the links that we wanted. He was a terribly powerful man and used to terrify magistrates and he had a terrific right fist. Had he not been on our side you would have thought of him as a real bastard'.

Under pressure

In 1937, on his way to address a meeting in Hampstead, Kidd was knocked over by a car. He was rushed to New End Hospital and his legs and hip put in plaster. He never fully recovered. He had always had a weak heart and the shock of hospitalisation and the awful pressure of work began to tell. As the war began he became increasingly ill. Differences arose within the Executive Committee of the Council, some of whom obviously felt that Kidd was 'past his best'. The man who had founded the organisation and had given the best years of his life to it found himself under pressure to drop some of the more arduous work. It was suggested to him, by whom is not clear, that he become 'Director' of the Council and that a new General Secretary be appointed. The person being groomed for the job was Elizabeth Allen (a surprising choice, given Sylvia Scaffardi's comments on the status of women). Kidd, desperately ill, was grieved by the suggestion. It must have felt rather like being elevated to the House of Lords but he was helpless to do a great deal. Clearly dying, he was forced to stand down and Elizabeth Allen took his place.

Kidd died in 1942, the year in which Sylvia ceased to work for NCCL, although she continued on the Executive until the mid-fifties and is still an NCCL member.

Possibilities

Looking back over those eight frantic years, the relevance of these early campaigns is crystal clear. The preoccupations are still the same: Ireland, public order, abuse of police powers. The gains NCCL has made are, for Sylvia, quite significant: 'On the plus side are the gigantic steps forward taken by the women's movement. In 1934 it was inconceivable that women could do the jobs that they do today. I only wish that I was a young woman today when the possibilities are so great. I also think that the police are much more restrained in their behaviour. Of course the excesses are still there but in the thirties so many of the police were clearly sympathetic to Mosley. They used to stand aside as the Blackshirts attacked innocent people. I

think it totally wrong, although I think I understand the reasons, to call the police "pigs". They're not. Just ordinary people doing a job. That sort of language drives away support. We have to attack the Home Office and the people who give the orders not the ordinary policemen'.

'As I have said, people are a lot less intimidated by the courts. If a Judge makes a silly comment, people laugh and that is tremendously healthy. But on the negative side is the re-emergence of fascism. The National Front are vile and I only wish that people would see that they are just like the Blackshirts, but memories are so short and there are all these people, like Skidelsky, whitewashing Mosley. Someone has just written a book saying how marvellous the thirties were. How stupid can you get!'

NCCL Executive Election results

In this year's poll for the Executive Committee of the NCCL, 913 votes were cast, of which 891 were declared valid by the Returning Officer. The quota of votes required to secure election under the single transferable vote system was 89.11. There were 23 candidates for the nine vacancies on the Executive.

The following candidates were declared elected to serve on the EC until the Annual General Meeting 1980. The figure in brackets indicates the stage of the count at which the candidate reached the required quota:

Roland Jeffrey (1)
Ivan Geffen (11)
Tess Gill (11)
Anna Coote (14)
Peter Thornton (17)
Ben Whitaker (18)
Catherine Scorer (19)
Ross Thompson (20)
Ted Berrow (20)

These nine candidates join the following nine candidates who were elected in 1977 to serve until the AGM 1979: Grace Berger, Bill Birtles, Jack Dromey, Larry Grant, Tessa Moorhouse, Jo Richardson, Geoff Robertson, Michael Schofield and Rhys Vaughan. In the event of a vacancy occurring among the newly elected candidates, the runner-up in this year's election, Michael Thomas, will be co-opted.

At the election for a member of the Conference and Election Committee, held at the AGM in London on 2 April 1978, Don Groves was elected; he joins Pat Benson and Colin Meadows on the CEC.

NEW POLICE LAW NEEDED

In May, the Police Complaints Board published its first report. It confirmed what NCCL's detailed monitoring of the 1976 Police Act has been showing — that the new system for complaining against the police has led to a dramatic reduction in complaints. Law lecturer Stephen Byers looks at this extraordinary situation and argues that Parliament should adopt a stronger law.

The Police Act 1976 has been in operation since June 1977. It was enacted to enable an independent element to be involved in the scrutiny of complaints against the police (for details of how the new complaints procedure operates see *Rights!* Vol 1 No 1, p.16). Now that the Act has been in operation for almost a year it is perhaps appropriate to review its effectiveness.

The Act was introduced because of dissatisfaction with s.49(1) Police Act 1964 which provided that a complaint against a police officer would be investigated by another officer who would report his findings to the chief constable who would then decide on the appropriate punishment, if any. Due to its completely internal nature many people doubted the effectiveness of such a process. A survey in 1975 found that 59% of adults and 71% of thirteen to twenty year olds in the Metropolitan Police area felt that the police "hushed up" complaints made against them.

Principle

Because of this dissatisfaction a Private Members Bill was introduced in 1973 with the aim of improving the complaints procedure. The Bill was withdrawn when Home Secretary Robert Carr accepted the principle that there should be an independent element involved in the investigation of complaints. He promised a review of the subject by the Government and this review was completed by the Labour Government after it took office in February 1974.

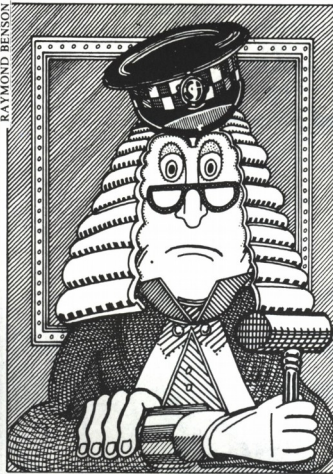
The 1976 Act is almost entirely based on the recommendations of a Home Office working group. Two recommendations in particular have had serious consequences on the Act's effectiveness. These were:

- 1 that the investigation into the complaint must remain in the control of the police and,
- 2 the chief constable must remain responsible for the discipline within his own force and therefore must retain control over the *punishment* which is to be imposed.

Expertise

So, investigation remains in police hands. Parliament obviously decided that the police were the only people with the expertise to do this effectively. But in so doing, they threw out the idea of an independent investigating unit comprised of ex-police officers — surely a possible compromise.

Parliament's decision therefore perpetuates in the new system one of the



basic objections against its predecessor, that the police themselves carry out the investigation.

The need for an independent investigation is particularly important because the Police Complaints Board's only source of information is the investigation report. The PCB — the only part of the system where there is independent scrutiny — has no investigative powers and cannot call witnesses. It is therefore dependent upon the internal investigation.

Chief constable

The second big failure in the Police Act is the Chief Constable's retention of control over force discipline. This could lead to a situation in which a chief constable who has been a member of a disciplinary tribunal looking into the complaint is also responsible for deciding what punishment the officer shall receive. There are three members of the tribunal — two members of the PCB and the officer's chief constable. Suppose that the chief constable is outvoted on the tribunal. He still has the power to decide the punishment to be imposed. The sole constraint upon him is the need to consult his tribunal colleagues. This danger is important because the tribunal is only set up to deal with serious non-criminal matters — in other words with the most serious matters that don't go to court. The issues involved in the cases with which the tribunals deal are, by definition, matters of serious public concern.

Restricted role

The independent PCB is given a very restricted role under the Act. If a

complaint is dealt with internally, the PCB will merely receive a report of the action taken by the chief constable. The PCB will only deal in detail with those complaints in which the officer in charge of the investigation decides not to prefer charges or when the accused officer denies the complaint. The Board may refer such complaints to either an internal review by the relevant chief constable or a disciplinary tribunal (see above).

However, in practice, very few complaints are being referred to the PCB. In 1976, under the old system, there were 22,738 complaints made against the police in England and Wales. It was estimated that in its first year of operation about 15,000 complaints would be referred to the PCB. In fact between June 1st and September 30th 1977 only 542 cases had been referred to the Board (*Hansard* Vol. 936 Col. 776).

The question which must be asked in the light of these figures is; Where have all the complaints gone? Perhaps the answer can be found in the remarks of Ian Gilmour during the Second Reading of the Bill (*Hansard* Vol. 901 Col. 2092) when he said, 'there will be considerable temptation, indeed a good deal of commonsense, if a police officer says to the officer against whom the complaint is made, "it would be much easier and better if you were to plead guilty to this complaint, although I agree that it is trivial nonsense and probably you did not do it, and then I could say that disciplinary proceedings had been taken and that the case was closed".'

The effect of such a course of action would be to keep the complaint out of the hands of the PCB who will receive, for information purposes only, details of the complaint and investigation and of the punishment imposed, if any. This loophole has obviously been seized upon by the chief constables who have a vested interest in ensuring that the least possible publicity is given to complaints made against members of their own force (e.g. the recent adverse publicity given to the Northumbria force is thought to be the main reason for the failure of its chief constable Bailey to be appointed to head the City of London force.)

Proposals

The PCB's recently published first Annual Report reveals such serious failings in the new system that new legislation to provide an effective and independent system is essential. Five key proposals should be adopted:

1. the establishment of an independent body to investigate complaints;

2. the establishment of local Police Complaints Boards rather than a single national Board. Such Boards will be necessary because of extra work-load and their composition could reflect the nature of the area covered;
3. after investigation a report on all complaints must be sent to the local PCB;
4. the imposition of punishment to be the responsibility of the PCB after consultation with the chief constable;
5. the establishment of conciliation Boards to deal with minor complaints.

When introducing the Bill before

Parliament, the then Home Secretary, Roy Jenkins said the Act was designed to ensure that if someone had a complaint it would not be rejected without being scrutinised by someone other than the police. In practice only a small percentage of complaints are actually referred to the independent PCB and even in such cases the power of the Board is very limited.

At the time of its introduction the Act was welcomed as being the first step towards an effective independent complaints procedure. The first year of its operation has illustrated how small that step has been.

New West Middlesex Group

A New NCCL Group has been formed in the West Middlesex area, and meets on the second Tuesday of each month at 8 pm at the Feltham Community Centre, Hanworth Road, Feltham.

If you live in the West Middlesex area, then please do come along and get involved. All are welcome.

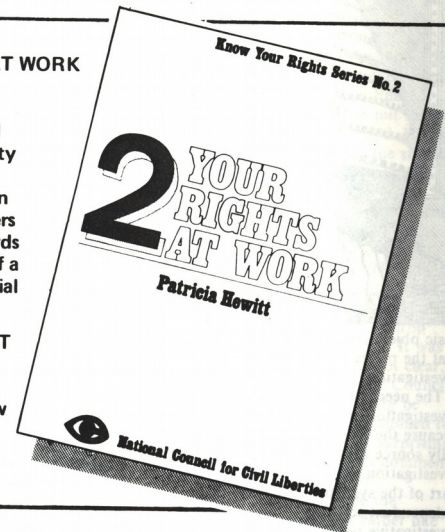
For further information, please contact Reg Morris, Group Secretary, 37 Lodge Way, Ashford, Middlesex, TW15 3AH. Telephone: Ashford 55591.

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National Council for Civil Liberties



Invitation to readers

What are your views on the civil liberty issues involved in the problem of race relations and freedom of speech and assembly? At the recent AGM of the NCCL, calls were made for this debate to be carried into the columns of *Rights*. We hereby invite members, affiliates and readers to contribute their views. Please keep your comments to a maximum of 500 words and send them to the Editor, *Rights*, 186 Kings Cross Road, London WC1.

And can we take this opportunity of reminding readers that we are always anxious to publish your letters on any civil liberty subject.

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Public meetings?

The law makes a lot of references to 'public' meetings. It's a term which lots of people use. Presumably, it means something. The right of the general public to attend a meeting, perhaps? Not necessarily.

The law places obligations upon local authorities to make their premises available during elections for public meetings held by those participating in the election. But recent events in Ilford and Lambeth, during Parliamentary by-elections have shown that there is no effective public right to attend such meetings when they are held by the National Front. During the Lambeth by-election in April, the Front agreed under pressure to allow members of the public, not just their own supporters, into their meetings. But, in practice, they were allowed to select which members of the public they would allow to enter. TV reports showed clearly that Front organiser Martin Webster, with the clear co-operation of the police, stood at the entrance to public halls selecting a handful of acceptable members of the public. As a result, the Inner London Education Authority has decided that the Front cannot be relied upon to comply with the requirements of the law.

These events also affect the reporting of

elections. Journalists were among those turned away by Webster and the police. The National Union of Journalists has become so concerned at the police's refusal to accept a reporter's production of official NUJ credentials that they are seeking talks with Commissioner McNee to ensure 'the rights of journalists to do their work unhindered'.

In one Ilford case, a member of the London Freelance Branch of NUJ, photographer Homer Sykes, asked police to allow him through their cordon guarding the Front meeting. He produced his NUJ card but was refused passage because he did not have the 'Met card', the police's own press pass, only issued to selected journalists. Shortly afterwards, the police cordon advanced and Sykes was arrested for obstruction of the highway, to which was later added a charge of obstructing the police. He was found guilty on both counts and fined £25 for each offence.

This threat to the rights of journalists has been growing. The Met aren't the only force to issue their own passes. In Greater Manchester last year, journalists were only allowed through police lines if they possessed passes specially issued for the occasion by Chief Constable Anderton.

March bans

NCCL's position on the banning of marches is explained elsewhere in this issue of *Rights!* (see report of policies adopted at the Annual General Meeting). As background we are here reprinting details of previous bans made under the provisions of the 1936 Public Order Act:

Outside London

- In September 1964 all public processions other than religious processions were banned in the City of Salford for two weeks.
- In November 1974 any public procession in connection with the death of James McDade was banned in the Cities of Birmingham and Coventry, and the Borough of Solihull for one month.
- In September 1977 all public processions were banned for six weeks in the Borough of Tameside.
- In April 1978 all public processions other than religious, educational, festive or ceremonial processions customarily held were banned for two weeks in Leeds.

In London

- Between June 1937 and the outbreak of the Second World War (September 1939), ten successive orders banning all public processions of a political character in the East End of London were made; the first two orders lasted six weeks each, the remainder three months each.
- In April 1948 all public processions of a political character were banned for three months in the East End and areas of Stoke Newington, Stamford Hill and Hackney.
- Between May 1948 and February 1949 three successive bans, each lasting three months, were made on all political processions in the Metropolitan Police District.
- In March 1949 and October 1949, similar bans were made, for three months covering the whole Metropolitan Police District. A further series of similar bans was made between February 1950 and February 1951.
- In September 1960, all public processions other than religious ones were banned for three months in the Borough of St Pancras.
- In September 1961 any public procession in Central London organised by the Committee of 100 was banned for 24 hours.
- In August 1962 all political processions were banned for 48 hours in the Metropolitan Police District.
- In July 1963 all political processions were banned for 48 hours in the East End and neighbouring boroughs.
- In February 1978 all public processions other than those of a religious, educational, festive or ceremonial character customarily held were banned in the Metropolitan Police District for two months.

It is a constant complaint among NCCL's dozen or so staff that we can't possibly keep up the levels of expertise, organisation and sheer legwork that are required to cover every area of civil liberty. Imagine, then, the problems for the Scottish Council for Civil Liberties. It broke away from NCCL early in 1975.

Then for two years it functioned on purely voluntary effort. In 1977, courtesy of the Government's Job Creation scheme, it took on two fulltime, poorly paid, staff.

Paul Gordon and Dave Godwin work in a small office in Glasgow, from which they and a group of volunteers handle the whole range of civil liberty campaigns. And what an area to work in. Glasgow itself symbolises all the worst social problems of the age.

Massive unemployment, poverty, some of the worst slums in Europe, streets famed for their night-time violence, religious rivalry and bigotry reminiscent of Northern Ireland and a frighteningly high level of crime. Strathclyde — the region of which Glasgow is the administrative centre — could go into the record books as the area with the greatest number of records — the highest number of children in care in the United Kingdom; the highest number of homeless in the country; more alcoholics than anywhere else and, to cap it all, more people from Strathclyde go to prison than from any

CIVIL LIBERTIES

other area in Britain. The list is endless and horribly repetitive.

Never-ending

Not surprisingly, a fair number of inhabitants of Strathclyde are in constant need of help and advice and one obvious place is the SCCL office. Even less surprisingly, Paul and Dave cannot cope with the constant stream of visitors. Around the corner is a CAB which has developed the habit of sending clients with whom it cannot cope round to the 'Civil Liberties'. So, on top of the letters and the telephone calls, all very similar to those received by NCCL, are endless taps on the door and pleas for help with an eviction or an unfair dismissal. And no one in an outer office to answer their queries and thus ensure Paul and Dave have time to concentrate on the never-ending work load which they have developed.

Not that an outer office would be a panacea. Scotland is very underdeveloped in the provision of voluntary organisations. There are no law centres, no housing advice centres, no claimants union, no Shelter, no CPAG, virtually

It is now more than three years since went fully independent from the NCCL political agenda, Rights! travelled no problems.



Q: Why did you support splitting SCCL from the NCCL?

Bob Thomson: Although the original SCCL, set up in 1969, was an integral part of NCCL, we were always primarily concerned with the special Scottish dimension to civil liberty problems. Remember that though there hasn't been a separate legislature here since 1707, we've kept separate legal, educational and local government systems. And without wishing to be chauvinistic, there are separate Scottish attitudes. So I always felt these demanded a separate Scottish civil liberties body. The split just came gradually. NCCL wasn't able to give adequate time and money to specifically Scottish issues and they reneged on promises to set up a Scottish full-time office. So it seemed right to break away.

Q: Do you feel that NCCL let you down?

Bob Thomson: Well, they made some very firm promises regarding a Scottish office and they ratted on the promises. The main problem, which a lot of NCCL's members are worried about, is that NCCL is very London and South East England-orientated. I heard lots of complaints when I was on the NCCL's executive.

Q: Do you think it can change?

Bob Thomson: Oh yes. It's got to. I must point out there's never been any real rancour about this. But NCCL will have to put more into effort into having a UK-wide presence.

Q: How can SCCL be a lobbying organisation when it hasn't got anyone to lobby?

Bob Thomson: I'd use the word 'campaigning' rather than 'lobbying'. Your term is too narrow. We did spend quite a lot of time once trying to set up a Scottish Parliamentary Civil Liberties Group but it just couldn't have worked.

Q: Why not?

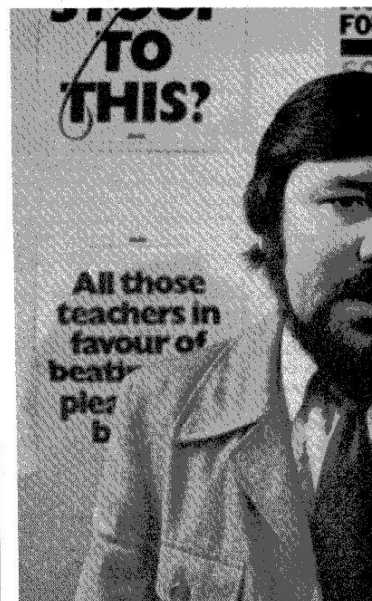
Bob Thomson: Sheer practicalities. Most Scots MPs have to leave Westminster on Thursdays to deal with constituency business. That means that a lot of them miss private members' business on Fridays, which is the prime time for a lobbying organisation to try to get its ideas adopted. That would be one of the central tasks of a Scots civil liberties group in parliament but at the moment it just isn't possible.

Q: But presumably you can lobby Government departments in Scotland?

Bob Thomson: Yes, of course. We are constantly lobbying the Scottish Office. Then there are departments of the Scottish Office, notably the Home and Health Department which covers the ground covered by the Home Office in England. And we have given evidence to Royal Commissions too. I'd like to stress that we are a campaigning organisation and that we work closely with other groups, like the trade unions, other voluntary groups, the women's movement and gay groups.

Q: It is sometimes said that the churches are more influential in Scotland than in England, in matters of morality, for example. Is this true?

Bob Thomson: I think it is. People treat the church as important. That's



PHOTOGRAPHS BY RON MCKAY

SCCL'S DRIVE

Bob Thomson has been Honorary Secretary acknowledged as the driving force behind Rights! interviewed him in his Glasgow office.

S IN SCOTLAND

the Scottish Council for Civil Liberties
With devolution for Scotland on the
to examine SCCL's progress and

Paul Gordon



nowhere to guide people. Paul Gordon is rather bitter about the prospect of law centres being formed in the immediate area of the office — 'three years ago it was proposed to set up a law centre in Castlemilk (the biggest housing estate in Europe with problems to match). The Scottish Law Society and Bar Council objected and the Law Centre was scrapped. Now the largest solicitors in Glasgow have opened an office there and, of course, they are totally unable to understand or cope with the problems'.

Crucial

In this situation the propaganda role of SCCL is crucial and twofold. As a civil liberties organisation its function is no different from that of NCCL, to raise questions of civil liberty and act as a watchdog for human and civil rights. But in the specific Scottish situation it has, for its own survival, to constantly stress the need for the development of other, specialist voluntary agencies.

The mental health system in Scotland — to take one example — is scandalous and barbaric and predictably Strathclyde tops the league yet again having more of

its inhabitants 'receiving treatment' than anywhere else. There is no provision for released mental patients and those that do obtain a discharge almost invariably face life in a single furnished room and in a short period of time help boost Strathclyde's alcoholic population or become yet another suicide statistic. In Scotland people are kept in Mental hospitals on humanitarian grounds! Yet MIND is almost non-existent in Scotland, a position summed up by Bob Thomson, Hon. Sec. of SCCL: 'MIND are a disgrace'; they are bloody useless. Please print that and maybe they will set about doing something'.

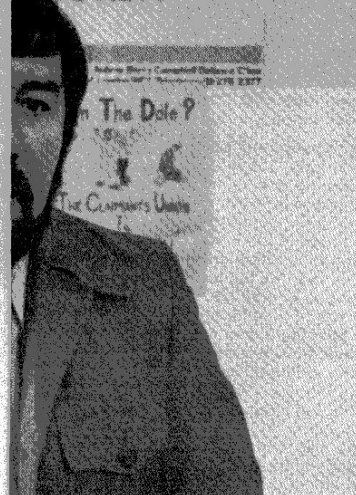
Demanding

The absence of other pressure groups creates tension and some disagreement between the full time staff and Bob Thomson who as Hon. Sec. is responsible for keeping SCCL financially afloat. A constant stream of callers asking, even demanding, help, pushes the full-timers into a situation where they are close to becoming advice or social workers, a tendency strengthened by the appalling lack of social work provision in Strathclyde and by a not unnatural resistance by full time civil libertarians to the notion of becoming administrators.

But administration, sound budgeting,

FOURTEEN YEARS.

AP THE OFFICIAL
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etary of SCCL since 1969. He is widely
and the new SCCL. RIGHTS! reporters

especially true of the Catholic church here in the west of Scotland. The Church of Scotland isn't as influential as people sometimes claim. But in general the churches do make Scotland more morally conservative than England. We are still a long way behind you in matters like gay rights, abortion and corporal punishment.

Q: Can we move on to the possible effects of devolution. What is SCCL's position on the Scotland Bill?

Bob Thomson: There's no official SCCL policy on devolution, far less on the specifics of the Bill but we do think that the legislative position regarding Scotland needs change. I personally support the broad terms of the Bill though SCCL isn't involved in the separatist movement at all. The need for an SCCL will continue whatever the system.

Q: But would the Assembly actually improve the civil liberty position?

Bob Thomson: The only answer is that it would give a potential for improvement and a potential for danger, too. The moral conservatism I mentioned means that there is a danger of a backlash. But we need a wider forum for the discussion of Scottish issues. Something's got to be done. So we will be in there trying to make sure this opportunity is put to good use and that civil liberties get the full discussion they need.

Q: Isn't there just as much need for more discussion of civil liberties in England, though?

Bob Thomson: Sure. Unless there is a major reform of Parliament generally

there will be much more call for devolution from all over the UK. Parliament has manifestly failed in its job.

Q: That sounds like a dangerous argument. Are you saying democracy doesn't work?

Bob Thomson: No. This particular system may have worked once but it doesn't any longer. That's clear. It needs radical reform to make it protect the people against the power of the executive. Look how the influence of the backbencher has been eroded. Of course I'm not suggesting that democracy shouldn't continue. If the Scottish Assembly does its job it could be the catalyst for reform of Westminster.

Q: Does this mean that you favour a Bill of Rights for Scotland?

Bob Thomson: SCCL organised a conference on just this subject. We welcomed discussion of the problem because it raises so many important issues. But my own view is that Scotland isn't ready for a Bill of Rights.

Q: Can you elaborate?

Bob Thomson: Well, Scotland is a small country with a small and conservative legal profession. Our lawyers are simply too elitist and traditionalist to do the job that would be required if we had a Bill of Rights. People sometimes argue that the Scottish legal system and the Scottish education system are very advanced. That may have been true once. Indeed it was true. We had education rights in Scotland from 1615. We were in advance of all Europe then. But not now. We've become much more conservative and SCCL has to fight this all the way.

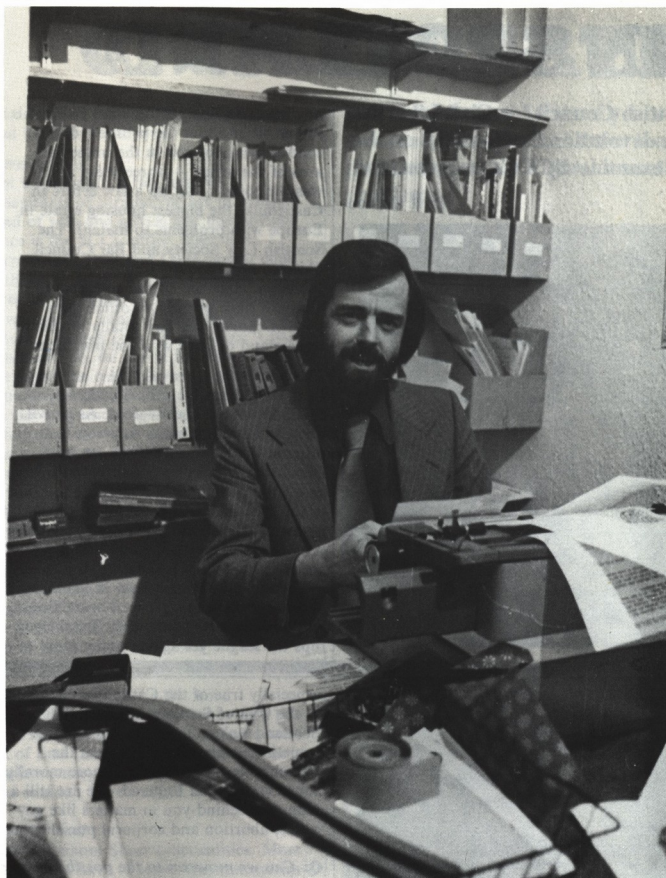
attention to organisation are necessary for the survival of the Council. The conflict in the situation is clear although Paul and Dave are committed to resolving it. Dave, in just over a year has been responsible for a healthy increase in individual members and, financially crucial, a significant number of trade union affiliations. Both officers realise the pull towards case work and concede that Thomson may well have a point when he warns of the danger of over-concentration on individual cases in full what they consider his over-emphasis on organisational priorities. All three are clear however on the political role of SCCL. Dave Godwin summed it up succinctly: 'We are a political organisation first and foremost, campaigning and lobbying are our first priorities, casework second'.

Less scrutiny

From what SCCL told us, it soon became clear that David McNee must have had to change his ideas when he came south to take over the leadership of London's police from Sir Robert Mark in 1977. As Chief Constable of Strathclyde he ran a force which is even less open to public or independent scrutiny than the English police forces. The reason? In 1976 Parliament passed the Police Act which introduced for the first time a limited independent element in the review of complaints against the police. But the Act, like many others, doesn't apply to Scotland. To complain against a Scottish policeman you still have to rely on the entirely internal system of investigation carried out by the police themselves.

Last year, the Government put forward a Police (Scotland) Bill to bring the Scottish system into line with the newly reformed system south of the border. But it fell 'for lack of parliamentary time' just when the police were threatening strike action over their pay and conditions. Fears were expressed in Scotland that the Bill had been allowed to fall as a sop to the police. And proponents of this view see the Government's failure to reintroduce the Bill in 1978 as further proof that they are backtracking on the proposal. Paul Gordon sees this as a perennial problem for Scots reformers. 'If you can't get a Scottish reform through Parliament when it's a live issue throughout the UK, the chances are that it will be forgotten later'. Certainly the failure to reform the Scottish divorce laws and the position of homosexuals seems to corroborate his view.

Many Scots are very proud of their independent legal system, and some radicals see it as providing greater protection for the individual than the English courts. The cornerstone of this difference is probably the independent prosecutor — the procurator fiscal, probably best known to English people through the popular "Sutherland's Law" TV series. SCCL is in a dilemma about the Fiscals. 'People tell you the Scots system is better than the English', Gordon points out, 'which may have been true last



Dave Godwin: the leather tawse in his in-tray

century. But it is now so stuck in its ways that it isn't true in 1978. Nevertheless we wouldn't want to give it up'.

The problem — and it's a problem that cropped up again and again in what SCCL had to tell us — is the conservatism of the Scottish professions. The Fiscals and Scottish lawyers seem to embody the social and moral inflexibility of nineteenth century presbyterianism. They virtually monopolise the membership of commissions of inquiry into the legal process and firmly resist demands for change in ways that make the English legal profession seem positively radical by comparison.

Impressive

The amount achieved in the year that Godwin and Gordon have been employed is impressive and Bob Thomson is clearly proud of the impetus given to SCCL with their arrival in May 1977 on a Job Creation Programme.

Paul Gordon explained how SCCL has greatly improved its media contacts. 'Before SCCL had a full time office there

was little press and media attention given to our work. The myth of journalists sniffing out news of public concern is a bad joke in Scotland; the number of good investigative journalists can be counted on the fingers of half a hand. Scottish reporters sit behind desks and make phone calls. We had no one to answer the phone, so no coverage. We went out of our way to court the press and now we are becoming known which is good because we earn respect that way and people and organisations are much more likely to support us. Whoever heard of an unheard-of pressure group? It's as stupid as it sounds. At our last AGM we even had a man from the *Sunday Telegraph* sit all the way through'. Even so, it's still very serious that the *Guardian* has failed to respond to SCCL. 'They pretend we don't exist; totally ignore us'.

Euphemisms

Extensive press coverage has meant the unveiling of some of the worst features of the Scottish legal system, especially the disgraceful property laws which allow a man to evict his wife at will from their

home even if the property is owned by the council. Looking at the women's movement in Scotland is rather like a journey back into time. England and Wales by comparison appear almost civilised, which is a daunting thought. It is traditional to use euphemisms for the Scotsman's sexist attitudes such as 'dour presbyterianism' a term covering a multitude of sins.

In recent years social reforms have often been slow to arrive in Scotland — if they arrived at all — because the Westminster Parliament simply did not have enough time, or the inclination, to pass specifically Scottish legislation. When reform did come it frequently slavishly followed the English example often missing the differing needs of oppressed Scots. The Scottish assembly is seen by the SCCL as a potential reforming body since it will hardly be able to avoid issues like domestic violence on the pretext that it has more pressing business to deal with. That it will avoid such issues unless the women's movement organises to bring pressure upon it clearly is the case and SCCL have and are continuing to organise meetings in Glasgow and Edinburgh in conjunction with the East of Scotland WEA, the intention being to work out a clear perspective for the Womens Rights Movement. The Assembly will only introduce changes favourable to women if men and women in Scotland bring forward ideas and proposals. If SCCL-initiated discussion leads, as it must, to such proposals then libertarians will have just reason to be pleased with themselves.

The right for a man to throw his wife on to the street illustrates the violence ever-present in parts of Scottish life. Lois Aitkenhead, an SCCL volunteer, believes violence underlies the entire Scottish educational system, a system which must rank as the most brutal and authoritarian in Europe. Use of the tawse is so widespread that the Strathclyde Regional Education Authority have issued as official policy a Code of Practice on beatings which would appear draconian anywhere but Scotland where it represents the most advanced liberal viewpoint. The Code does not attack the use of corporal punishment but recommends that it should not be used for such appalling misdemeanors as bad spelling, sloppy handwriting or inattention to detail. The Code considers that failure to spell correctly 'may be an educational rather than a discipline problem and may require remedial rather than corrective action'. 'May be' indeed, but even that qualified statement is criticised by the Conservative spokesman on education for the Lothian region. 'Tawsing is good for children; it prepares them for the knocks of life and it is good for the teachers in working out their frustrations'.

Fact of Life

In England and Wales corporal punishment, if allowed at all, must be recorded in a punishment book and in most schools only the most senior

teachers are allowed to administer it. In Scotland there are no punishment books and probationary teachers are frequently criticised for not using the tawse enough. In England and Wales, a male teacher beating a girl pupil would result in banner headlines in the local and probably the national press. In Scotland it is a fact of life.

Lois Aitkenhead argues that the discussion about Childrens Rights which dominated English and American educational thought in the early seventies bypassed Scotland. Traditionally, Scotland has viewed her children as underdeveloped adults; their expressions or curiosity and energy as a nuisance or even sinful; their expression of independence as threatening. 'It is true to say that while the movement of women's liberation and that of Gay Liberation, until recently dismissed outright, are now recognised in Scotland, the discussion of childrens rights has not begun'.



Children's rights expert Lois Aitkenhead

Dividing line

This seemed strange, so we asked Paul Gordon to assess the strengths of the fiscal system in more detail. He stressed three factors. First, that the Fiscal reviews police evidence before going ahead with a prosecution; this means there is a clear dividing line between the police's responsibility for investigation and the Fiscal's responsibility for prosecution. Second, the independent prosecutor system means that the worst anomalies in the law between the two countries can be ironed out by administrative decision. For instance, although all homosexual acts are still illegal in Scotland, the Lord Advocate — the equivalent of the Attorney General — has said that he won't authorise any prosecutions which wouldn't be authorised under England's Sexual Offences Act 1967. And third, the Fiscals do have a very strong notion of their own independence from the police.

First-ever

To begin the discussion SCCL organised the first-ever Scottish conference on childrens rights in Glasgow in March. The hall was full to overflowing, positive proof that there is room for hope. The conference was faced with the philosophical problem at the root of all discussion of childrens rights. Lois explained, 'For SCCL the phrase "childrens rights" is in itself misleading. Our view is that the needs of children do not differ from the needs of adults. To

consider the civil liberties and rights of children as separate subjects recognises that, from lack of experience, the very young child is vulnerable to exploitation and therefore needs special protection. Children come into a special category because we have put them there: because it benefits our society to have them separated from adults at an arbitrary age point by way of laws and in situations."

Despite the recognition that children are vulnerable and in need of protection, Scottish practise (and English) is contrary to the stated aim. Lois has a simple explanation for this anomaly:

"Few of us, even with the best will in the world, are familiar with putting the interests of the child as a first priority. On the question of adoption for instance: in whose interest is it that a child is not placed with his/her adoptive parents for a minimum of six weeks? In allocating a child to a residential institution, in whose interest is it that the child has no say in the initial decision, has no choice as to which institution, and is then refused a contract as to treatment and future procedures? When it comes to medical services; liberty for handicapped children; schooling; physical abuse from parents and teachers, we can see the glaring examples of "good intentions" favouring the administrator at the expense of the child concerned". Dave Godwin and Lois Aitkenhead think childrens rights are at the centre of SCCL's work. For Godwin, childrens rights 'encapsulates all the questions that we ask about civil liberties'.

Begging bowl

Whether he is right is open to debate but what cannot be debated is the future of SCCL. Debate implies a degree of choice and in our society choice is a polite word for money. In October the JCP money runs out and there is no guarantee that it will be renewed, even if it is, two full-timers is painfully inadequate for the enormity of the task. Childrens rights may be the "central issue" but for the next few months, Bob Thomson will have the final say; like it or not, Paul and Dave are going to be spending a lot of time with the begging bowl. Sad but true for SCCL, it's raise funds or bust!

In the last year SCCL have created an impressive litany of achievement. They have submitted evidence to Government commissions on legal and administrative reform, made detailed studies of police abuses, helped hundreds of people and made civil liberty a live issue in Scotland. Yet the widespread inhumanity and injustice of the mental health system remains intact; homosexuality is still illegal; people in debt still have their furniture and effects sold; children are legally assaulted at home and in schools; women with children face marital brutality and eviction without adequate legal redress.

There is obviously a long way to go before civil liberties is a reality for the majority of Scots. Who will lead the way if SCCL goes?

"Without prejudice"

Ms. X is a remedial teacher, experienced and highly qualified. She applied for a job at a school for maladjusted children. There were a considerable number of other applicants, but after two exhaustive interviews, Ms. X was selected. Naturally she was delighted. She resigned her job in London, disposed of her house and moved to the country. Necessary expenses amounted to £850.

However Ms. X is gay. At both interviews she disclosed that she lived with, and would be temporarily supporting, another professional woman. This appeared to have been accepted without comment. On 5 October 1977, she took up the appointment. At some point during the first day the headmaster asked her

whether she was homosexual to which she replied honestly that she was. The headmaster then told her that he would have to pass this information on to the members of the management committee who had initially interviewed her, and which was due to meet two days later.

Four weeks passed. Ms. X had been given a class of children and received her first salary. Then she was informed that a unanimous decision had been made by the Educational Sub-Committee that, in view of her admission to being 'homosexual by preference', her services were no longer required. The school would accept no liability for the financial or professional loss incurred. She would be paid until Christmas, but might leave sooner if she

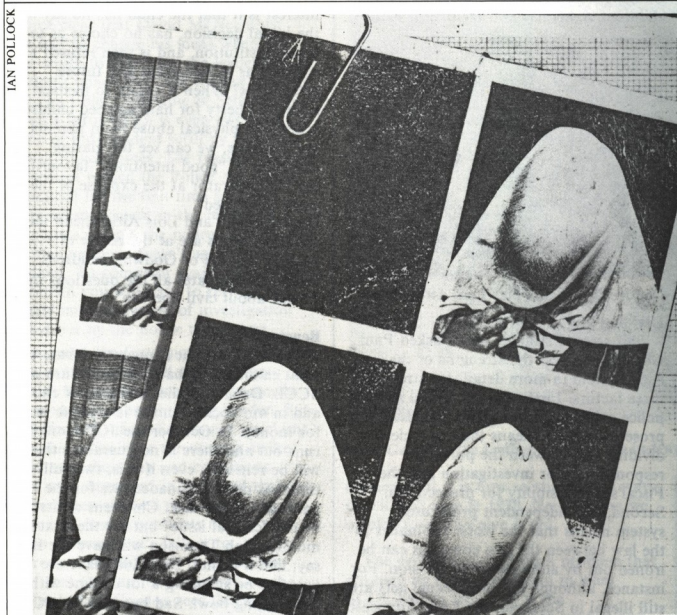
wished.

On hearing this news, nine out of ten of her colleagues wrote to the Governors expressing their strong disapproval and shock at the decision. They felt that Ms. X 'has the qualities that will make her an excellent teacher in this school, and cannot see that the way she or any other member of staff chooses to express their sexuality in their private lives are grounds for discrimination'. They went on, 'Your decision reveals not only prejudice, but worse, the fear of other peoples prejudice'.

Ms. X carried on working at the school, but consulted NCCL who advised her to put in a written request for a discussion with the Management Committee about the reasons for her dismissal. The Committee met on 27 November but without Ms. X and the case was discussed at great length. On 6 December a letter headed "Without prejudice" was sent by the Board's solicitors stating that, in itself, the fact of Ms. X's homosexuality could be considered neither a problem nor a reason for termination of employment. They also stated that there had been no suggestion of a direct risk to the children as a result of her homosexuality. By 'direct risk' they meant that there had been no allegation of interference with the children. However, they felt that her homosexuality might affect her capacity to work on behalf of the children within the authority structure of the school, they were concerned about certain aspects of her capacity to grow as a person making close professional relationships with the children and about her readiness to work within the professional limits required by the school. Finally, they alleged an inflexible attitude which made it harder for her to fit into the system and questioned her readiness or ability to achieve the necessary dedication to the primacy of the children's interests.

A meeting was then arranged between Ms. X, NCCL, and the Board of Governors. During the three-hour hearing every aspect of Ms. X's qualifications, experience at the school, and homosexuality were examined. It emerged that her qualifications were excellent, and that previous schools had said she had an exceptional gift with children. She was progressing well with staff and children at the present school and had a well balanced, mature attitude to homosexuality and a stable relationship with another woman.

A few days later Ms. X was informed that the Governors had decided that she must leave. The reason was now not her homosexuality but her unsuitability for the specific requirements of the school. They advised her to resign, explaining that if she were to be dismissed within the first two years of teaching she would have to repeat all her training before being allowed to teach again in this country. Ms. X decided to resign. Two other staff members have since also resigned in solidarity.



No photos privacy victory

In an important test case which could affect the privacy rights of thousands of employees who are forced to have their photos taken by management as a condition of employment, a construction worker has been awarded £1,600 compensation for unfair dismissal by an industrial tribunal.

John Fitzgerald was employed by Beaufort Construction, a subsidiary of London's Savoy Hotel. In November 1977, the firm decided to introduce compulsory identity photos for its workers, allegedly for 'security' reasons. This is an

increasingly common practice by many employers. Fitzgerald refused to have his photograph taken and was dismissed. He took his case to the industrial tribunal which made the award.

NCCL General Secretary Patricia Hewitt comments that 'the Fitzgerald case is a major breakthrough for the individual's right to privacy. We shall be giving the widest possible publicity to the decision and hope that it will encourage thousands of workers to resist unjustifiable attempts to keep photo records of the workforce'.

NEW POLICIES FOR CIVIL LIBERTIES

The following motions were adopted by the Annual General Meeting of the NCCL held at the City University, London, in April 1978.

Life Membership

This AGM congratulates Malcolm Hurwitt on the 20th Anniversary of his first year of membership of the Executive Committee, and Harry Francis on his 21st Anniversary; warmly thanks them for the contribution they have made to NCCL; and in recognition of their services, elects them both honorary life members of the NCCL.

Racism and Immigration

1 This AGM notes with concern the increase in overt racialism and views with alarm the increase in violence against black people and other ethnic minorities as a result of the propaganda and political activities of racist and fascist movements such as the National Front and National Party.

This AGM, reaffirming its opposition to racism and recalling NCCL's attempts to secure enforcement of the law against incitement to racial hatred, condemns the Attorney General's reluctance to bring prosecutions for such incitements and calls for vigorous enforcement of the relevant provisions of the 1976 Race Relations Act.

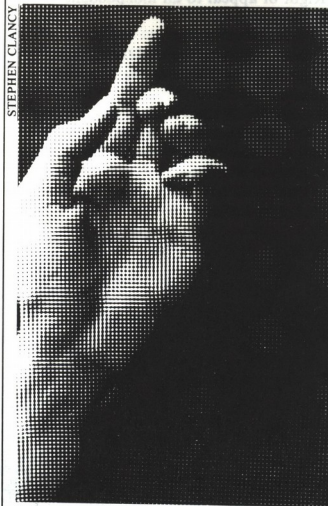
2 This AGM

- i) Reaffirms NCCL's active opposition to racism and racist organisations such as the National Front;
- ii) Reaffirms NCCL's long-standing commitments to defending the hard-won democratic rights of freedom of speech, association and assembly;
- iii) Notes that the powers given to the police and the Home Secretary by the 1936 Public Order Act have never been used solely or even mainly against racist and fascist organisations, but have been used to undermine the democratic rights of all;
- iv) Notes that racist slogans are still shouted and banners still carried in public processions with impunity;
- v) Condemns the Attorney General's reluctance to bring prosecutions for such conduct and incitement to racial hatred, and calls on the Home Secretary to remind police forces of the relevant provisions of the Public Order Act 1936 and Race Relations Act 1976 so that these provisions are effectively enforced;
- vi) Deplores the decision of the Metropolitan Police Commissioner and the Home Secretary to impose a 2 month-ban on virtually all marches in London from 26

February 1978, as a result of the proposed National Front march in Ilford;

- vii) Declares that the powers given to the police and Home Secretary by Section 3 of the 1936 Act should only be used in the most limited fashion against an organisation which sets out to provoke violence or to intimidate local communities and where re-routing or a restricted ban is unavoidable to prevent serious public disorder;
- viii) Accepts the need for fullest possible consultation and fullest possible debate and — insofar as it could be consistent with the NCCL's policy on freedom of speech and freedom of assembly — the fullest possible co-operation between NCCL and all other organisations and individuals committed to fighting racism and to this end calls on the Executive Committee to organise a one day conference against racism later in the year.

STEPHEN CLANCY



3 This AGM

- i) Notes the proposals of the March 1978 Report of the House of Commons Select Committee on Race Relations which include the restrictions on the entry of male fiances from the Indian Sub-Continent by the device of imposing a quota while allowing fiances from white countries free entry, and also internal checks or identification procedures on immigrants, meaning further police

harassment on ethnic minority groups;

- ii) States its categorical rejection of the whole Report and calls on the Government to do likewise and introduce a non-discriminatory immigration policy;
- iii) Calls on the House of Commons to immediately dissolve the Select Committee to reconstitute it with MPs with a real commitment to racial equality.

Criminal Law and Procedure

1 This meeting calls for the abolition of the offence of blasphemous libel.

2 This AGM

- i) Deplores current police practice whereby the investigation of a complaint against the police may be carried out by an officer from a neighbouring police station; and
- ii) Calls on the Government to eradicate the practice.

3 This AGM welcomes the high priority being given to the preparation of the Council's evidence to the Royal Commission on Criminal Procedure, and the establishment of a working party to prepare this evidence and calls on the Executive Committee to present a statement of the general principles contained in the evidence to the next AGM.

The following resolutions were remitted to the Executive Committee.

4 This AGM deplores the use of police evidence, with particular reference to the televising of the police video-tapes concerning the Yolande McShane case, for the purposes of public entertainment, and instructs the Executive Committee to communicate this point of view to the Chief Constable of Sussex.

5 This AGM:

- a) Deplores the so-called system of 'plea-bargaining' whereby innocent persons are induced to plead guilty at the doors of the court; and
- b) Calls on the Government to take steps to eradicate it.

Prisons

1 This AGM instructs the Executive Committee to campaign for the following policies:

- a) That the composition of Boards of Visitors should be revised to take account of local communities and should be socially representative of the country as a whole.
- b) That local authorities should have a

formal duty of inspection of prison establishments in their area.

- c) That Parliament should establish a Select Committee on the prison system, and prisons policy should be the sole responsibility of Minister of State of the Home Office, and that the Prison Department Annual Report should be the subject of a full Parliamentary Debate.
- d) That Prison Department Standing Orders and Circular Instructions to Governors should be made public; and that appointments to prison service posts and membership of Boards of Visitors should likewise be made public.
- e) That more statistical and policy information should be made available by the Home Office, including through a regular monthly publications similar to the Department of Employment Gazette.

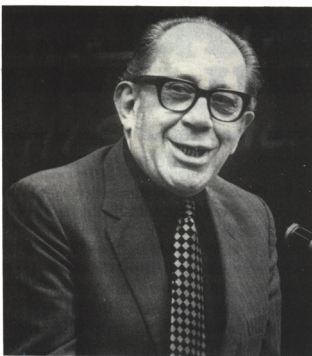
The following paragraphs of the above motion were remitted to the Executive Committee:

That a Prisons Ombudsman should be established, on the model of the Canadian Federal Correctional Investigator, to investigate prisoners' grievances concerning the administration of the prison system, with the power to investigate complaints from third parties (including non-prisoners) and to initiate investigations even when no specific complaint has been received. Several of the features of the Canadian system should also be adopted, including the prohibition on prison service personnel reading correspondence addressed to or received from the Ombudsman and the instruction to the Ombudsman to make unannounced visits to any penal institution, with full powers for inspection.

And that the prisoner should have direct and confidential access to the Prisons Ombudsman without any requirement that he or she should first exhaust the internal complaints procedures.

- 2 This AGM notes with concern the denial of basic rights to prisoners charged with offences against discipline, and the disregard shown for the principles of natural justice in disciplinary hearings by Boards of Visitors, particularly; lack of time to prepare an adequate defence; no opportunity to contact witnesses and no right to call them; denial of access to legal advice or representation; brevity of proceedings, even on serious charges carrying severe penalties; questionable impartiality of members of Boards of Visitors; no right of appeal to an independent body, and calls for the Executive Committee to campaign for:
 - a) Prisoners' right to access to legal advice and adequate time to prepare a defence to disciplinary charges.
 - b) Prisoners' right to representation of their choice.
 - c) Serious charges to be referred to outside courts for a full hearing with

MARK RUSHER (FL)



Harry Francis (see Motion 1)

- judge and jury.
- d) Change in the composition of the adjudicating body. Support for the Jellicoe Report recommendations that the disciplinary function should be removed from Boards of Visitors and given to qualified legal chairman and two lay assessors.
- e) Prisoners' right to call witnesses in their defence.
- f) Prisoners' immunity from Rule 47 (12) (Under which they can be charged with making false and malicious allegations against an officer) when making statements in defence to disciplinary charges.
- g) Right of appeal to an independent body.

The following paragraph of the above resolution was remitted to the Executive Committee:

- h) Changes in the Prison Rules which will ensure that no prisoner can lose more than 14 days' remission unless he or she is duly tried by a Court of Law, with full rights of legal representation.

MARK RUSHER (FL)



Delegates at NCCL's 1978 AGM take a vote

- 3 This AGM opposes the present system of allocating and transferring prisoners because it further increases the strain on prisoners' domestic relationships and because it is sometimes used as a form of punishment against which the prisoner has no right of appeal and calls upon the Home Office to introduce a presumption in favour of the placement of prisoners in prisons of an area of their choice.

- 4 This AGM calls for reform of the system of solitary confinement in British prisons (described by the Home Office as 'removal from association') so that:

- a) Solitary confinement as a punishment or under Rule 43 "for the maintenance of good order and discipline" should be abolished;
- b) Prisoners wishing to go on Rule 43 for their own protection should be transferred to special prisons where full association is allowed, similar to the current system at Reading and Gloucester prisons.

- 5 This AGM does not support the present system of parole, but while it exists as a form of early release for at least some prisoners calls for its reform, and in particular demands that:

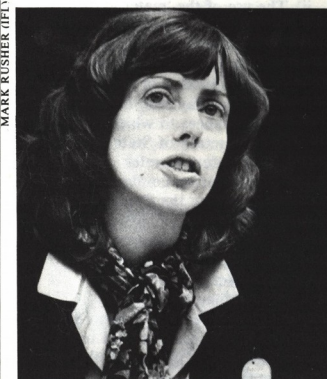
- i) Parole be granted not as a privilege but as a right;
- ii) For prisoners serving sentences up to three years, release on parole should be automatic;
- iii) For prisoners serving sentences over three years, release on parole should be governed by a judicial rather than an administrative system;
- iv) Local review committees should be abolished;
- v) The prediction instrument as a method of selection should be abolished;

- vi) "Opting out" should be avoided by giving automatic consideration to eligibility for parole.
- vii) The prisoner should have the right to a personal hearing with representation both in applying for parole and in resisting recall, for breach of parole where no criminal offence is committed;
- viii) Grounds for refusal of parole should be given promptly and with a right of appeal.

6 This AGM congratulates Laurie Taylor and Stan Cohen on their book *Prison Secrets*.

The following resolutions were remitted to the Executive Committee.

- 7 This AGM endorses the recommendations made in *Prison Secrets*
- 8 This AGM considers that the parole system is:
 - i) Inherently unfair;
 - ii) Incapable of meaningful reform; and therefore calls on the Government to end it forthwith.



Patricia Hewitt gives her report to the AGM Picketing

This AGM is committed to protecting the freedom to picket and demonstrate.

This AGM notes:

- a) The confusion surrounding laws relating to picketing;
- b) That under the Criminal Law Act it will be possible for peaceful pickets to be arrested and charged with criminal conspiracy and with new offences related to trespass;
- c) Recent developments, in particular at the Trico and Grunwick disputes, and condemns the anti-trade union actions taken by the police.

This AGM therefore calls for:

- i) A clear legal right to picket, including the right to peacefully stop and discuss the reasons for the picket with anyone crossing or attempting to cross a picket line;
- ii) An enquiry into police action during the Grunwick dispute;
- iii) A new statutory right to organise pickets at trade or business

- premises or offices in non-industrial situations, and non-industrial pickets to have the same rights as industrial pickets;
- iv) For pickets to have a statutory right to stop motor vehicles in order to communicate information regarding the strike or dispute.

This AGM therefore demands the reform of the Criminal Law Act and the law generally so as to create and protect pickets' rights.

This AGM therefore instructs the Executive Committee to up-date the 1975 NCCL Charter of Legal Rights for Pickets and Demonstrators and draw up plans for a campaign to secure its implementation and report at the next AGM.

Official Secrets and Freedom of Information

1 This AGM reaffirms its commitment to a Freedom of Information Act, which would replace the Official Secrets Act with a measure requiring Government and other public bodies to make information available to the public unless they could demonstrate to a court or independent tribunal that withholding the information would be justified in order to protect genuine interests of national security or to avoid an infringement of an individual's privacy.

This conference regrets the failure of the Government to give effect to the Franks Committee proposals on the Official Secrets Act; views with increasing alarm the continued use of Section 2 of that Act and the unprecedented use of Section 1 against journalists and their sources and calls for legislation to ensure freedom to gather and disseminate information of public concern.

Furthermore, this AGM endorses the proposals made in *Privacy: The Information Gatherers* for a law to ensure control over all personal records, by whomsoever held, on the basis of the following principles:

- i) There should be no data bank holding personal records whose existence is a secret.
- ii) Individuals should have the right to see, challenge and correct their own files, with only the minimum exceptions necessary to protect criminal investigation where the exception is justified in the public interest.
- iii) There should be legal controls on methods of collecting information.
- iv) Information collected should be relevant to the authorised purpose and should be the minimum required.
- v) Information given for one purpose should not be used for another without the individual's knowledge and consent.

NCCL Chairperson Malcolm Hurwitt

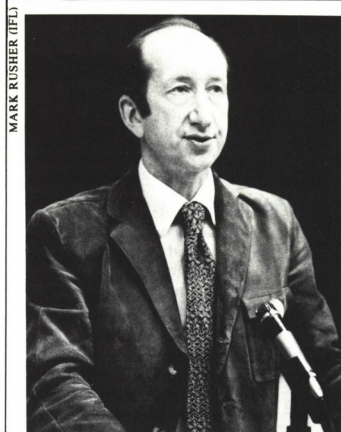
- vi) There must be legal restrictions on the linkage of personal record systems.
- vii) Transfer of personal information abroad must be controlled, in order to prevent evasion of privacy laws in this country.
- viii) Codes of practice should be developed for all those involved in collecting and storing personal information.
- ix) A general right of privacy should be established, allowing an individual whose privacy has been infringed to sue in the civil courts; provided that it would be a defence to such an action to show that publication in the press or other media would be justified in the public interest.
- x) A Data Protection Authority should be established to supervise collection and storage of personal information, whether held in computerised, mechanised or manual data banks.

2 This AGM deplores the extension of the principle of official secrecy by using contempt of court proceedings to prosecute *Peace News* and the *Leveller* for publishing the name of a senior military witness, Colonel [REDACTED] in the committal hearings in the case of Crispin Aubrey, John Berry and Duncan Campbell.

Free Speech and Censorship

1 This AGM reaffirms the right of free discussion and freedom to hold meetings for all organisations and individuals doing so within the law. In particular, this AGM condemns the physical and other attacks on those who have discussed or attempted to discuss paedophilia, and reaffirms NCCL's condemnation of harassment and unlawful attacks on such persons.

2 This AGM deplores the unwarranted and authoritarian way in which the



MARK RUSHER (UFL)

MARK RUSHER (UFL)

BBC banned the play *Scum* by Roy Minton which was to have been shown in January 1978.

In addition to objecting in principle to this kind of censorship, this meeting deplores the manner in which this banning was carried out, with no discussion with the writer or director at any time during or after the making of the film.

Further, the meeting notes that the BBC Bristol officials have admitted that all the events portrayed have actually happened in Borstals in the UK.

In view of this, the conference instructs the Executive Committee:

- i) To raise the question of the banning with the BBC;
- ii) To campaign as vigorously as possible for the lifting of the ban; and
- iii) To explore whether it is possible to lay down some ground rules within the BBC, whereby appeals against such bans can be properly lodged and heard in public.

Northern Ireland

1 This AGM, recognising the vital role to be played by the trade union and labour movement in promoting civil rights in Northern Ireland, congratulates the national office on its work over the past year in bringing the particular problems of Northern Ireland to the attention of its affiliates. In this respect it welcomes, in particular, the campaign of the NCCL affiliate, TGWU Region Number One in organising a week of activities on Northern Ireland issues. Conference therefore confirms its support for NCCL's work on Northern Ireland and calls on the national office to continue its campaign amongst affiliates and members to draw attention to the current demand for fundamental human rights in the province.

2 This AGM notes with alarm the reports over the past year of ill treatment and brutality inflicted by members of the RUC on suspects under interrogation in Northern Ireland. It deplores the complacency of the Northern Ireland Office and police officials in respect of such reports and condemns the apparent sanctioning of the use of illegal methods of obtaining confessions in order to secure convictions. This AGM calls for an immediate enquiry into the allegations of torture and ill-treatment and calls on the national office Northern Ireland Committee to bring together those organisations and individuals concerned to campaign for the end of such practices and to promote legal and administrative measures designed to protect the suspect in custody in Northern Ireland. Furthermore, this AGM calls on the authorities to prosecute those members of the security forces responsible for the torture and in-depth interrogation

which has been condemned by the European Court on Human Rights.

- 3 This Conference instructs the Executive Committee not to discontinue the campaign against the Prevention of Terrorism Act until that Act is removed from the statute book.

Nuclear Energy

This AGM reaffirms NCCL's existing policy on security and nuclear energy and restates its opposition to any commitment to the Fast Breeder Reactor.

This AGM condemns the refusal of the Windscale Enquiry to permit questions about national security and asserts that the public interest demands open and informed discussion of the security and civil liberty aspects of nuclear power, and calls upon HMG:

- i) To define closely the criteria upon which information ought to be withheld 'in the public interest' or 'for reasons of national security'.
- ii) To make such a definition in terms which envisage the suppression or withholding of information only if it is reasonably suspected to be of direct use to those intending to commit or threaten physical violence to the State or its citizens; and
- iii) To provide material support for objectors in presenting their case to any future inquiry into substantial nuclear development.

Home Office and Civil Service

1 This AGM calls upon the Government to institute an independent investigation of the structure, methods and public relations of the Home Office Civil Service. Any such investigation should be conducted with the full participation of affiliated trade unions who have members working at the Home Office.

The following resolution was remitted to the Executive Committee:

- 2 This AGM regrets that the Executive Committee does not appear to have taken any action in support of the motion on political freedom for civil servants passed overwhelmingly at the 1977 AGM. It instructs the Executive Committee to do everything possible in conjunction with relevant affiliated unions to ensure that restrictions on the



Patricia Hewitt and Malcolm Hurwitt confer

civil rights of civil servants are lifted when the Armitage Committee reports.

Sex Discrimination

1 This AGM re-affirms the commitment of NCCL to the range of women's rights work undertaken by the Women's Rights Committee and the Women's Rights Officer, and congratulates them on their continued high standard of work over the last year.

We note the recommendations made in the Report, 'Amending the Equal Pay Act and the Sex Discrimination Act'.

We endorse these recommendations, and call upon HMG to introduce legislation as soon as possible to give effect to them.

We urge in particular that HMG make amending proposals, in line with the NCCL Report, on six priority areas, without delay, as follows:

- i) Under the Equal Pay Act, comparison should be possible with a man who has recently left a job now done by a lower-paid woman;
- ii) The use of the 'material difference' exemption to the implementation of an equality clause should be limited to the minimum possible by the introduction of a Schedule to the Equal Pay Act, listing the circumstances to which it applies;
- iii) The Secretary of State should be under a duty to refer discriminatory employers' pay structures to the Central Arbitration Committee, even where the agreement does not specify different male and female rates but is suspected of being discriminatory in effect; the CAC should have the power to amend such agreements so that no-one is made worse off, and so that women are slotted into appropriate grades according to their skill, or into the average level of a wage band; any such award by the CAC should be backdated at least to the date of the reference, and may be backdated by up to two years;
- iv) The Sex Discrimination (Pensions) Bill as proposed in the DHSS Consultative Document on discrimination in occupational pension schemes should be introduced without further delay;
- v) The burden of proof on the applicant under the Sex Discrimination Act should be amended and brought into line with the burden of proof under the Trade Union and Labour Relations Act in unfair dismissal cases;
- vi) Under the Sex Discrimination Act, discrimination on grounds of marital status should be extended to protect single people, and should extend to all areas covered by the Act, not just employment as at present.



Rupa Ali is greeted on release by Newcastle Trades Council Secretary Colin Randall, and local NCCL representative, David Gray.

The case of Rupa Ali

Last December, police and immigration officials simultaneously raided a number of Bangladeshi restaurants and houses in the Newcastle area. The raid took place at seven o'clock in the morning, despite the fact that many of those involved were restaurant workers who had not returned home until 2.00 am. The timing of the raids was justified by Dr Shirley Summerskill in a letter to Harry Cowans, MP for Newcastle Central, in these terms: 'this was thought likely to cause minimum disturbance to the business of the restaurants, while at the same time providing a good chance of finding the men concerned'.

62 people were interviewed, and 24 were unable to prove immediately that they were legal residents in this country. They were therefore invited to accompany police officers to Clifford Street Police Station to assist with the further enquiries, and this they did voluntarily'. Seventeen of those detained were allowed to leave later that day, but the remaining seven were detained under the Immigration Act and transferred in handcuffs to the Central Police Station in Newcastle.

The raids caused considerable concern in community relations circles on Tyneside. As Jean Rogers, secretary of the Northumberland and Durham Group of NCCL said in her letter to the Home Secretary, 'The sheer number of those

questioned, a substantial proportion of the Bangladeshis living on Tyneside, gives rise to the suspicion that, in some minds, being a Bangladeshi comprises a *prima facie* case that one is an illegal immigrant.'

This concern grew when the detention of five of the seven grew from days to weeks. Particular worry was expressed over the case of Rupa Ali, a chef at the Moti-Jaheel restaurant. He had previously been detained when working at an Indian Restaurant in Shildon, County Durham, but had proved his right to be in this country to the satisfaction of the immigration officials. He had now been detained again, and was held in Durham Jail as enquiries continued. An application for a writ of habeas corpus was prepared by his solicitor, David Gray, who is Chairperson of Northumberland and Durham NCCL. This application was adjourned once, and then, after 42 days of detention, bail of £15,000 was granted. After he was released, Rupa Ali went to Newcastle City Hall where he was greeted by a crowd of 1500 at a festival of Racial Harmony organised by Newcastle Trades Council, and jointly sponsored by the local NCCL group.

At present, results of the Home Office investigations and deliberations are awaited. Meanwhile, two other people detained during the raids are still being

held in Durham Jail. But already the case has illustrated the very wide powers held by immigration officials to detain those they suspect of being illegal immigrants, and the difficulties in the way of controlling their exercise of these powers.

Rights!

Incorporating Civil Liberty

Published by
National Council for Civil Liberties
186 King's Cross Road
London WC1X 9DE

Typeset and Printed by
Robendene Ltd, Chesham.

Designed by **John Carrod**
42 James St, London W1.

Advertising Rates

Full page £50 (268mm x 184mm)
1/2 page £28 (134mm x 184 mm)
1/3 page £20 (268mm x 59mm)
1/6 page £10 (134mm x 59mm)
1 col inch £2 (col 59mm x 268mm)
Discount available for 3 and 6 issues
Rates quoted for camera-ready artwork.
Typesetting and design charged at cost.
Copy dates: First day of February, April, June, August, October, December for publication in following month.